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6 *Attorneys for Defendant and Third-Party Plaintiff*  
*Copperhead Trails Street and Landscape Maintenance Corporation*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE  
11 BENEFIT OF THE CERTIFICATE HOLDERS OF  
12 THE CWALT, INC., ALTERNATIVE LOAN  
TRUST 2005-64, MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2005-63

CASE NO: 2:15-cv-02173-JAD-EJY

13 Plaintiff,

14 vs.

15 CATMINT BPB TRUST; COPPERHEAD TRAILS  
16 STREET AND LANDSCAPE MAINTENANCE  
CORPORATION; DOE INDIVIDUALS I-X  
17 Inclusive, And ROE CORPORATIONS I-X,  
Inclusive,

18 Defendants.

19 AND RELATED CLAIMS

20 **STIPULATION AND ORDER TO EXTEND DEADLINE TO FILE**  
21 **MOTIONS FOR SUMMARY JUDGMENT ONLY**  
(First Request)

22 The Bank of New York Mellon fka The Bank of New York, as Trustee for the Benefit of the  
23 Certificate Holders of the CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass Through  
24 Certificates, Series 2005-63 ("BoNYM"), Catmint BPB Trust and Business Trust PBB & BPB  
25 (collectively "BPB"), and Copperhead Trails Street and Landscape Maintenance Corporation  
26 ("Copperhead") hereby stipulate to extend only the deadline to file motions for summary judgment.  
27 This is the first request to extend any deadlines in this case.  
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1 The present and proposed deadlines are set forth in Section D below. The extension is  
2 necessary to redress Copperhead Trails Street and Landscape Maintenance Corporation's mistaken  
3 belief that the August 19, 2019 dispositive motion deadline was extended to September 19, 2019.

4 **A. DISCOVERY COMPLETED TO DATE**

5 **1. Rule 26 Disclosures**

6 BoNYM served its initial disclosures on June 23, 2016.

7 Copperhead served its initial disclosures on August 11, 2016.

8 BoNYM served its first supplement to initial disclosures on May 11, 2019.

9 BoNYM served its initial expert disclosure on May 20, 2019.

10 **2. Written Discovery**

11 BoNYM served its first set of interrogatories, requests for admissions and requests for  
12 production of documents to Copperhead on June 24, 2016.

13 BoNYM served its first set of interrogatories, requests for admissions and requests for  
14 production of documents to BPB on June 24, 2016.

15 BoNYM served its first set of interrogatories, requests for admissions and requests for  
16 production of documents to Alessi & Koenig, LLC on June 24, 2016.

17 Alessi & Koenig, LLC served responses to BoNYM request for admissions on July 30, 2016.

18 Copperhead served responses to BoNYM's request for admissions on August 18, 2016.

19 Copperhead served responses to BoNYM's request for production of documents on August  
20 18, 2016.

21 Copperhead served answers to BoNYM's interrogatories on August 18, 2016.

22 BPB served responses to BoNYM's request for admissions on January 24, 2017.

23 BPB served responses to BoNYM's request for production of documents on January 24,  
24 2017.

25 BPB served answers to BoNYM's interrogatories on January 24, 2017.

26 Copperhead served its first set of interrogatories, requests for admissions and requests for  
27 production of documents to BoNYM on May 6, 2019.

28 BoNYM served responses to Copperhead's request for admissions on June 11, 2019.

1 BoNYM served responses to Copperhead's request for production on June 11, 2019.

2 BoNYM served answers to Copperhead's interrogatories on June 11, 2019.

3 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

4 Discovery has closed. The purpose behind this stipulation is to extend the dispositive motion  
5 cut-off date by about a month.

6 **C. REASONS WHY DEADLINE WAS NOT SATISFIED AND GOOD**  
7 **CAUSE/EXCUSABLE NEGLIGENCE FOR REQUEST**

8 The current deadline for filing dispositive motions is August 19, 2019. On July 15, 2019,  
9 BoNYM circulated a draft stipulation and order to extend discovery by 30 days, which would also  
10 extend the dispositive motion deadline by 30 days. Copperhead approved the stipulation. It had  
11 mistakenly believed that BoNYM filed the stipulation, and that the court approved the stipulation.  
12 Copperhead's removed the August 19, 2019 dispositive motion deadline from its calendar—  
13 believing that September 18, 2019 was the operative dispositive motion deadline. Copperhead  
14 learned of its mistake as soon as BoNYM filed its motion for summary judgment on August 19,  
15 2019.

16 A court may, for good cause, extend the time on a request made after the time has expired if  
17 the party failed to act because of excusable neglect. Fed. R. Civ. P. 6(b)(1)(B); LR 26-4. Courts  
18 liberally construe the federal rules to effectuate the general purpose that courts decide cases on the  
19 merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010).

20 Copperhead's mistaken belief constitutes good cause and excusable neglect. Since the parties  
21 have stipulated to the extension, there is no prejudice to any party. The requested extension is short  
22 and should not delay the proceedings, especially when the court has yet to schedule a hearing on a  
23 party's motion for summary judgment or a trial date. There is nothing to suggest that any of the  
24 parties have acted in bad faith in seeking the short extension. For these reasons, the court should  
25 approve the requested extension.

26 **D. PROPOSED DISCOVERY SCHEDULE**

27 Pursuant to LR 26-4, the parties propose to extend the current deadlines and jointly submit  
28 the following to the Court:

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1. **Discovery Cut-Off Date:** Discovery is closed. The parties do not seek an extension of this deadline.
2. **Deadline for Amending Pleadings or Adding Parties:** The deadline for amending pleadings has passed. The parties do not seek an extension of this deadline.
3. **Rule 26(a)(2) Disclosures:** The deadline to serve Rule 26(a)(2) disclosures has passed. The parties do not seek an extension of this deadline.
4. **Dispositive Motions.** The current deadline for filing dispositive motions is August 19, 2019. The parties propose to extend such deadline by 30 days, which will make the new deadline for filing dispositive motions September 18, 2019.
5. **Interim Status Report:** The deadline to file the Interim Status Report has passed. The parties do not seek an extension of this deadline.
6. **Pre-Trial Order.** The current deadline to file the Joint Pretrial Order is September 18, 2019, unless otherwise suspended under LR 26-1(b)(5). Since at least one dispositive motion has been filed, the deadline for filing the joint pre-trial order shall be suspended until 30 days after the decision on any dispositive motions or until further order of the court.

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1 IT IS SO STIPULATED.

2 Dated this 6<sup>th</sup> day of September, 2019.

3 **AKERMAN LLP**

4  
5 /s/ Jamie K. Combs  
6 Darren T. Brenner, Esq.  
7 Nevada Bar No. 8386  
8 Natalie L. Winslow, Esq.  
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14 *Attorneys for The Bank of New York Mellon fka*  
15 *The Bank of New York, as Trustee*

11 Dated this 6<sup>th</sup> day of September, 2019.

12 **DAVID J. WINTERTON & ASSOCIATES,**  
13 **LTD.**

14 /s/ David J. Winterton  
15 David J. Winterton, Esq.  
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20 *Trust PBB & BPB*

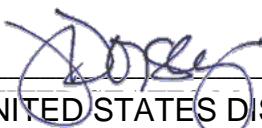
Dated this 6<sup>th</sup> day of September, 2019.

**WILSON, ELSER, MOSKOWITZ,**  
**EDELMAN & DICKER LLP**

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*Copperhead Trails Street and Landscape*  
*Maintenance Corporation*

18 **ORDER**

19 IT IS SO ORDERED.

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21   
22 UNITED STATES DISTRICT JUDGE  
23 Dated: September 6, 2019.  
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